

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

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JONATHAN P. SAUNDERS

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Plaintiff

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v.

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CIVIL NO. JKB-15-1265

JOHN P. KEENAN, et al.,

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Defendants

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MEMORANDUM

Now pending before the Court is the Defendants' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (ECF No. 8). The Plaintiff filed a response to the motion (ECF No. 10), but the response was late and the Plaintiff did not seek permission to file out of time. Nonetheless, the Court has considered the response.

The Plaintiff's Complaint (ECF No. 1) is rambling and unclear as to any particular, cognizable claim. *Pro se* pleadings are to be given liberal construction, but even when straining the Court is unable to discern the full contours of any particular, plausible claim against any named Defendant. The Complaint contains suggestions of defamation and false light, and maybe breach of contract. It does not set out all of the elements of any particular claim. And, it is not for the Court to project or imagine the intentions of Plaintiff's pleading – in the end, the Complaint must speak for itself. In his response to the Motion to Dismiss, the Plaintiff apparently attempts to reconfigure his allegations so that he is accusing the Defendants of fraud, but the Plaintiff cannot amend his Complaint through a document filed in response to a motion to dismiss. Further, even if his attempt at an amendment was proper, the fraud allegations would

fail nonetheless as not meeting the heightened pleading standards of Rule 9(b), Federal Rules of Civil Procedure. In the end, the Complaint simply does not state a claim upon which relief may be granted. Rule 12(b)(6), Federal Rules of Civil Procedure. Accordingly, and for the reasons stated in the Defendants' Memorandum of Law in support of their Motion (*see* ECF No. 8), the MOTION TO DISMISS will be GRANTED by separate Order.

DATED this 31st day of July, 2015.

BY THE COURT:

/s/
James K. Bredar
United States District Judge